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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,895	02/19/2004	Christopher Armstrong	P65776US1	9064
136	7590	07/21/2005	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			MILLER, BRANDON J	
			ART UNIT	PAPER NUMBER
			2683	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/780,895	Applicant(s) ARMSTRONG, CHRISTOPHER	
	Examiner Brandon J. Miller	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-77 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-77 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12, 14, 18, 20-24, 26-28, 30-36, 38, 42, 44-47, 49-53, 55-60, 62, 64-67, 69-72, and 74 are rejected under 35 U.S.C. 102(e) as being anticipated by Isomursu.

Regarding claim 1 Isomursu teaches providing an interactive short messaging service from a short messaging service provider to a user having a communications device connected to a communications network, the communications device including a keypad or voice activator for establishing communications between it and the SMP and an alphanumeric display device (see abstract and col. 5, lines 53-67). Isomursu teaches storing short messages each with a unique identifier for access by the communications device as content short messages (see col. 6, lines 29-45, col. 7, lines 7-10, col. 10, lines 26-30). Isomursu teaches a short message service provider that stores the unique identifier for a plurality of content short messages in a menu of short messages to provide a short messages menu with its own unique identifier (see col. 10, lines 26-67). Isomursu teaches on a communications device accessing the SMS, a short messaging service provider downloading the short message menu to a communications device; and a short messaging service provider placing a phone in an idle state upon completion of the downloading (see col. 12, lines 11-30, col. 14, lines 43-55, col. 15, lines 1-2).

Regarding claim 2 Isomursu teaches a short message service provider that downloads short message menus as required until a session is over (see col. 10, lines 26-67 and col. 11, lines 10-20).

Regarding claim 3 Isomursu teaches a unique identifier for a short message menu that is in turn stored in another short message menu with its own unique identifier as a content short message (see col. 10, lines 26-67 and col. 11, lines 10-20).

Regarding claim 4 Isomursu teaches short message menus that are stored in a hierarchical fashion (see col. 12, lines 45-52).

Regarding claim 5 Isomursu teaches a short message provider that stores and downloads content short messages (see col. 14, lines 48-51 and col. 15, lines 25-35).

Regarding claim 6 Isomursu teaches at least one content short message that is stored separately by a short messaging content provider and a unique identifier that includes a contract URL for downloading a content short message from a short messaging service provider (see col. 11, lines 24-64).

Regarding claim 7 Isomursu teaches a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 8 Isomursu teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 9 Isomursu teaches a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 10 Isomursu teaches a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 11 Isomursu teaches using a contact URL for downloading a content short message from a party storing the content short message, the party identifies the communications device and downloads the information depending on the identity of the communications device (see col. 6, lines 29-34 and col. 11, lines 24-64).

Regarding claim 12 Isomursu teaches a content short message that is only delivered on a communications device sending a unique number identifying a user or class of users (see col. 5, lines 10-17).

Regarding claim 14 Isomursu teaches on receiving a request for a short message menu, the short message provider obtains the location of the communications device from the network operator and the short message provider downloads an short message menu appropriate to the location of the communication device (see col. 10, lines 64-67 and col. 11, lines 34-50).

Regarding claim 18 Isomursu teaches with each short message menu that is loaded, an additional short message is downloaded (see col. 10, lines 26-67).

Regarding claim 20 Isomursu teaches receiving a short message for storage as a content short message, storing a message in a suitable format, assigning a label to the message, assigning a contact URL for use by a communication device, and entering a label and contact URL of the content short message in at least one short message menu (see col. 11, lines 10-55).

Regarding claim 21 Isomursu teaches a user operating a communications device to contact a short message service provider by using a unique identifier of a required short message menu, the short message provider answers, the short message provider downloads a short message menu, a short message provider terminates the call, a user scrolls a short message menu, a user chooses a content short message from a short message menu, a user uses the unique

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identifier of the required content short message obtained from the short message menu to access a content short message, the content short message is downloaded to a user, and a call goes idle (see col. 6, lines 29-40, col. 10, lines 26-67, col. 14, lines 43-67, and col. 15, lines 1-2).

Regarding claim 22 Isomursu teaches a device as recited in claim 21 and is rejected given the same reasoning as above.

Regarding claim 23 Isomursu teaches when a content short message downloaded is a further short message menu, the unique identifier of a new short message menu is downloaded and the steps repeated by a user and short message provider until a required content short message is located or a user terminates (see col. 6, lines 29-38, col. 14, lines 30-67 and col. 15, lines 1-2).

Regarding claim 24 Isomursu teaches a short message service provider that sends a phone into an idle state once the content short message is downloaded (see col. 14, lines 55-67 and col. 15, lines 1-2).

Regarding claim 26 Isomursu teaches a short message service provider that downloads an identifier database to a communications device; and the user stores the unique identifier of short message menu's and content short messages (see col. 14, lines 30-60).

Regarding claim 27 Isomursu teaches a short message service provider that downloads an identifier database to a communications device; and the user stores the unique identifier of short message menu's and content short messages in which when the unique identifier used establishes direct contact with the short message content provider, the unique identifier contains a further identifier for the short message provider to confirm to the short message provider of the contact between user and short message content provider (see col. 14, lines 30-67).

Regarding claim 28 Isomursu teaches a short message service provider that downloads an identifier database to a communications device; and the user stores the unique identifier of short message menu's and content short messages in which when the unique identifier used establishes direct contact with the short message content provider, the unique identifier contains a further identifier for the short message provider to confirm to the short message provider of the contact between user and short message content provider (see col. 14, lines 30-67) and information that is hidden from a user and not displayed (see col. 17, lines 24-27).

Regarding claim 30 Isomursu teaches a content short message that allows for the establishment of a direct communications link with an identified person or group of persons (see col. 7, line 57-67 and col. 8, lines 1-3).

Regarding claim 31 Isomursu teaches providing an interactive short messaging service from a short messaging service provider to a user having a communications device connected to a communications network, the communications device including a keypad or voice activator for establishing communications between it and the SMP and an alphanumeric display device (see abstract and col. 5, lines 53-67). Isomursu teaches storing short messages each with a unique identifier for access by the communications device as content short messages (see col. 6, lines 29-45, col. 7, lines 7-10, col. 10, lines 26-30). Isomursu teaches a short message service provider that stores the unique identifier for a plurality of content short messages in a menu of short messages to provide a short messages menu with its own unique identifier (see col. 10, lines 26-67). Isomursu teaches short message menus that are stored in a hierarchical fashion (see col. 12, lines 45-52). Isomursu teaches on a communications device accessing the SMS, a short messaging service provider downloading the short message menu to a communications device;

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and a short messaging service provider placing a phone in an idle state upon completion of the downloading (see col. 12, lines 11-30, col. 14, lines 43-55, col. 15, lines 1-2).

Regarding claim 32 Isomursu teaches a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 33 Isomursu teaches a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 34 Isomursu teaches a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 35 Isomursu teaches a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 36 Isomursu teaches a device as recited in claim 12 and is rejected given the same reasoning as above.

Regarding claim 38 Isomursu teaches a device as recited in claim 14 and is rejected given the same reasoning as above.

Regarding claim 42 Isomursu teaches a device as recited in claim 18 and is rejected given the same reasoning as above.

Regarding claim 44 Isomursu teaches a device as recited in claim 20 and is rejected given the same reasoning as above.

Regarding claim 45 Isomursu teaches a device as recited in claim 21 and is rejected given the same reasoning as above.

Regarding claim 46 Isomursu teaches a device as recited in claim 23 and is rejected given the same reasoning as above.

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Regarding claim 47 Isomursu teaches a device as recited in claim 24 and is rejected given the same reasoning as above.

Regarding claim 49 Isomursu teaches a device as recited in claim 26 and is rejected given the same reasoning as above.

Regarding claim 50 Isomursu teaches when the unique identifier used establishes direct contact with the short message content provider, the unique identifier contains a further identifier for the short message provider to confirm to the short message provider of the contact between user and short message content provider (see col. 14, lines 30-67) and information that is hidden from a user and not displayed (see col. 17, lines 24-27).

Regarding claim 51 Isomursu teaches a device as recited in claim 27 and is rejected given the same reasoning as above.

Regarding claim 52 Isomursu teaches a device as recited in claim 28 and is rejected given the same reasoning as above.

Regarding claim 53 Isomursu teaches a device as recited in claim 30 and is rejected given the same reasoning as above.

Regarding claim 55 Isomursu teaches a device as recited in claim 30 and is rejected given the same reasoning as above.

Regarding claim 56 Isomursu teaches providing an interactive short messaging service from a short messaging service provider to a user having a communications device connected to a communications network, the communications device including a keypad or voice activator for establishing communications between it and the SMP and an alphanumeric display device (see abstract and col. 5, lines 53-67). Isomursu teaches storing short messages each with a unique

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identifier for access by the communications device as content short messages (see col. 6, lines 29-45, col. 7, lines 7-10, col. 10, lines 26-30). Isomursu teaches a short message service provider that stores the unique identifier for a plurality of content short messages in a menu of short messages to provide a short messages menu with its own unique identifier (see col. 10, lines 26-67). Isomursu teaches short message menus that are stored in a hierarchical fashion (see col. 12, lines 45-52). Isomursu teaches on a communications device accessing the SMS, a short messaging service provider downloading the short message menu to a communications device; a short messaging service provider placing a phone in an idle state upon completion of the downloading; and a short message provider that considers the short message menu and uses the unique identifier of the content short messages in the short message menu to access the required content short message (see col. 12, lines 11-30, col. 14, lines 43-55, col. 15, lines 1-2).

Regarding claim 57 Isomursu teaches a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 58 Isomursu teaches a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 59 Isomursu teaches a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 60 Isomursu teaches a device as recited in claim 12 and is rejected given the same reasoning as above.

Regarding claim 62 Isomursu teaches a device as recited in claim 14 and is rejected given the same reasoning as above.

Regarding claim 64 Isomursu teaches a device as recited in claim 20 and is rejected given the same reasoning as above.

Regarding claim 65 Isomursu teaches a device as recited in claim 21 and is rejected given the same reasoning as above.

Regarding claim 66 Isomursu teaches a device as recited in claim 23 and is rejected given the same reasoning as above.

Regarding claim 67 Isomursu teaches a device as recited in claim 24 and is rejected given the same reasoning as above.

Regarding claim 69 Isomursu teaches a device as recited in claim 26 and is rejected given the same reasoning as above.

Regarding claim 70 Isomursu teaches a device as recited in claim 27 and is rejected given the same reasoning as above.

Regarding claim 71 Isomursu teaches a short messaging provider computer having storage for content short messages and programmed to assign a unique identifier to the content short messages and to store the unique identifiers of a plurality of content short messages in a menu of short message to provide a short messages menu with its own unique identifier (see col. 5, lines 34-40, col. 6, lines 29-45, col. 7, lines 7-10, col. 10, lines 26-30). Isomursu teaches a communications device including activation means; a communications network connecting a short message provider computer and a communications device (see col. 5, lines 34-52). Isomursu teaches a computer program for operating a short message provider computer on being contacted by a communications device to download a requested short message menu to a

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communication device and placing a phone in an idle state upon completion of the downloading (see col. 12, lines 11-30, col. 14, lines 43-55, col. 15, lines 1-2, and col. 16, lines 11-15).

Regarding claim 72 Isomursu teaches activations means that is a keypad (see col. 21, lines 29-31).

Regarding claim 74 Isomursu teaches a short messaging content provider computer, programmed to store and download a content short message to a communications device (see col. 14, lines 43-60 and col. 16, lines 10-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 37, 61, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isomursu in view of Raith.

Regarding claim 13 Isomursu teaches a device as recited in claim 10 except for a short message content provider that is a WAP server and the content short message downloaded allows access to the full WAP services provided through the WAP server. Isomursu does teach a short message content provider that is a server and the content short message downloaded allows access to the full services provided through the server (see col. 15, lines 3-50). Raith teaches a content provider that is a WAP server (see col. 4, lines 25-27 and col. 5, lines 1-2 & 18-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a short message content provider that is a WAP server and the

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content short message downloaded allows access to the full WAP services provided through the WAP server because this would allow air-interface independent access to short message menus.

Regarding claim 37 Isomursu and Raith teach a device as recited in claim 13 and is rejected given the same reasoning as above.

Regarding claim 61 Isomursu and Raith teach a device as recited in claim 13 and is rejected given the same reasoning as above.

Regarding claim 75 Isomursu and Raith teach a device as recited in claim 13 and is rejected given the same reasoning as above.

Claims 15-16, 19, 25, 29, 39-40, 43, 48, 54, 63, 68, 73, and 76-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isomursu in view of Chern.

Regarding claim 15 Isomursu teaches a device as recited in claim 1 except for providing some of the short message menus as speech messages. Chern teaches providing a short service message as a speech message (see abstract and col. 5, lines 30-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include providing some of the short message menus as speech messages because this would allow for hands-free operation of a wireless device with short message capabilities.

Regarding claim 16 Chern teaches a communications device that sends information whereby content short messages are downloaded as speech messages (see col. 5, lines 30-55).

Regarding claim 19 Chern teaches a short message that is an advertising message (see col. 13, lines 50-64).

Regarding claim 25 Isomursu teaches a device as recited in claim 22 except for a call that is terminated by a user when the required communication of information has been achieved.

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Chern teaches a call that is terminated by a user when the required communication of information has been achieved (see col. 9, lines 20-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a call that is terminated by a user when the required communication of information has been achieved because this would allow for a user to control access to short message menus.

Regarding claim 29 Chern teaches an interactive voice response system (see col. 5, lines 30-40).

Regarding claim 39 Isomursu and Chern teach a device as recited in claim 15 and is rejected given the same reasoning as above.

Regarding claim 40 Isomursu and Chern teach a device as recited in claim 16 and is rejected given the same reasoning as above.

Regarding claim 43 Isomursu and Chern teach a device as recited in claim 19 and is rejected given the same reasoning as above.

Regarding claim 48 Isomursu and Chern teach a device as recited in claim 25 and is rejected given the same reasoning as above.

Regarding claim 54 Isomursu and Chern teach a device as recited in claim 29 and is rejected given the same reasoning as above.

Regarding claim 63 Isomursu and Chern teach a device as recited in claim 16 and is rejected given the same reasoning as above.

Regarding claim 68 Isomursu and Chern teach a device as recited in claim 25 and is rejected given the same reasoning as above.

Regarding claim 73 Chern teaches a voice activator (see col. 5, lines 30-40).

Regarding claim 76 Chern teaches determining the location of a communications device (see col. 8, lines 54-61).

Regarding claim 77 Chern teaches a voice synthesizer to deliver audible messages to a communications device (see col. 9, lines 51-59).

Claims 17 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isomursu in view of Soderbacka.

Regarding claim 17 Isomursu teaches a device as recited in claim 1 except for a communication device that stores a predetermined number of short message menus and as another short message menu is loaded, the short message menu stored for the longest time is deleted. Isomursu does teach a communication device that stores a predetermined number of short message menus (see col. 10, lines 26-67). Soderbacka teaches a communication device that stores a predetermined number of short messages and as another short message is loaded, the short message that exceeds a storage time limit is deleted (see col. 3, lines 10-15 and col. 7, lines 33-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a communication device that stores a predetermined number of short message menus and as another short message menu is loaded, the short message menu stored for the longest time is deleted because this would allow for remotely controlled deletion of a short message in a data transmission system.

Regarding claim 41 Isomursu and Soderbacka teach a device as recited in claim 17 and is rejected given the same reasoning as above.

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

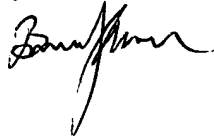
Gustafsson U.S. Patent 6,351,647 discloses location-dependent services in a mobile communication system.

Dahm EP 0 964 590 A2 discloses a visual interface to mobile subscriber account services.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



July 15, 2005



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